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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PURVIS, SUE A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/892,142

Applicant(s)

CABLE, ERIC

Examiner

Sue A. Purvis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 9-13, 15, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacquier et al. (UK Patent No. 746,135).

Jacquier discloses an automatic machine for assembling panels. The machine includes a deck or stand (A) for supporting a plurality of boards, a horizontal displacement system or thrust means (C) for applying force to the boards, and a braking system with a channel (44) which has a certain resistance to the displacement of the boards. Also included is another plate (35) with a compressing stream (37) upstream of the channel (44). The presser plate (40) acts as a one-way clamping system. (Pg. 3, lines 38-128; Pg. 4, lines 1-104; Pg. 8, lines 42-51.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacquier as applied to claim 1 above, and further in view of Hill (US Patent No. 5,617,910).

Jacquier does not disclose the displacement member being actuated by a hydraulic cylinder.

Hill teaches that the feeder for sequentially and successively feeding blocks into the machine can be operated by hydraulic, electric or any other type of cylinder. (Col. 5, lines 54-65.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a hydraulic cylinder in Jacquier, because Hill teaches that several types of cylinders are known for displacement purposes, including a hydraulic cylinder.

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacquier as applied to claim 1 above.

Jacquier does not disclose a braking system with a roller and a rotary brake. However, such braking systems are well known in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made use a braking system in Jacquier which includes a roller and a rotary brake.

Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to rubber tread on the plates in Jacquier, because rubber would increase friction between the panel and the plates, causing the better bonding between the panel pieces.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacquier as applied to claim 1 above, and further in view of Giesecke et al. (UK Patent No. 1,109,040).

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Jacquier does not disclose the lower friction plate having rollers.

Giesecke teaches using friction plates which amount to a belt wrapped around rollers.

(See Figure 1.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to a bottom friction plate of rollers in Jacquier, because Giesecke teaches that such a plate is known in the art and that the plate allows for smooth movement of the assembled panel.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacquier as applied to claim 1 above, and further in view of Giesecke et al. '881 (UK Patent No. 1,054,881).

Jacquier does not disclose at least one compression spring attached to the breaking system.

Giesecke et al. '881 discloses a pressure element (10) which acts in the direction of feed. (Pg. 3, lines 4-49.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the feature of Giesecke et al. '881 in the device of Jacquier, because Giesecke et al. '881 shows that including a compression spring in the breaking system is known in the art.

Regarding claim 8, Giesecke et al. '881 teaches that alternatively a hydraulic cylinder can be used.

8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacquier in view of Hill as applied to claim 2 above, and further in view of Giesecke et al.

Jacquier does not disclose the lower friction plate having rollers.

Giesecke teaches using friction plates which amount to a belt wrapped around rollers.

(See Figure 1.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to a bottom friction plate of rollers in Jacquier, because Giesecke teaches that such a plate is known in the art and that the plate allows for smooth movement of the assembled panel.

Regarding claim 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the belt be rubber tread in Jacquier in view of Hill, because rubber would increase friction between the panel and the plates, causing the better bonding between the panel pieces.

9. Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacquier in view of Hill and Giesecke as applied to claim 18 above, and further in view of Giesecke et al. '881 (UK Patent No. 1,054,881).

Jacquier in view of Hill and Giesecke does not disclose at least one compression spring attached to the breaking system.

Giesecke et al. '881 discloses a pressure element (10) which acts in the direction of feed. (Pg. 3, lines 4-49.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the feature of Giesecke et al. '881 in the device of Jacquier in view of Hill and Giesecke, because Giesecke et al. '881 shows that including a compression spring in the breaking system is known in the art.

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Regarding claim 21, Jacquier includes a mechanically actuated clamp.

Regarding claims 22 and 23, Jacquier includes a panel press system adjacent the upstream of the deck.


Regarding claim 24, Jacquier includes a plurality of rails and a longitudinal clamping system. (See Figure 4.)

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is 703-305-0507. The examiner can normally be reached on Monday through Thursday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1495.



Sue A. Purvis
Examiner
Art Unit 1734

sp
July 3, 2003